THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 10815 of 2005

MONDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

Between:

The Schedule Caste Labour Contract Cooperative Society Ltd. (J. 696)
Gaddlaguntapalem, Ongole,
Prakasam District, rep.by its President K.Prabhakar Rao,
S/o.Hanumaiah.

..... PETITIONER

AND

1 The Govt. of Andhra Pradesh, rep.by its Secretary, Municipal Administration, Secretariat, Hyderabad.
2 The Director, Municipal Administration, Andhra Pradesh, Hyderabad.
3 The District Collector, Ongole, Prakasam District.
4 The Municipal Commissioner, Ongole Municipality, Ongole, Prakasam

District.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE B.SESHA SAYANA REDDY

WRIT PETITION NO.10815 OF 2005

O R D E R:

This writ petition has been filed by the Schedule Caste Labour Contract Co-operative Society Limited, Gaddlaguntapalem, Ongole, Prakasam District, represented by its President K.Prabhakar Rao, assailing the action of the 4th respondent in not issuing tender schedule to them on free of cost and without deposit of any EMD.

K.Prabhakar Rao-President of the petitioner-Society has given his sworn affidavit in support of the writ petition. It is stated in the affidavit that the petitioner-society consists of retired employees worked in the Municipality Health Division, their children and experience persons in sanitation work from the Schedule Caste and Schedule Tribes. While so, the 4th respondent-Municipal Commissioner, Ongole, issued a tender notice dated 24-03-2005 inviting sealed tenders for sanitation work on contract basis and the last date for submitting the said tenders is 12-04-2005. The grievance of the petitioner-society is that in spite of repeated requests and an application made to the 4th respondent-Municipal Commissioner for supply of the said tender schedule, he did not furnish the tender schedule to it. Therefore, the petitioner-society approached this court by invoking the jurisdiction under Article 226 of the Constitution of India.

The respondents filed counter affidavit. Sri Ch.Prasada Rao, who is working as Municipal Health Officer, Ongole has sworn to the Counter Affidavit. According to the contents of the counter affidavit, the petitioner-society is not eligible to participate in the said tender since it has not satisfied the conditions stipulated in G.O.Ms.No.581 dated 06-11-1996.

Reply affidavit has also been filed by the petitioner-society.

It is contended in the reply affidavit that the petitioner-society consists of 28 members and out of them two persons died and all the remaining 24 of them are well experienced in sanitation work and they belongs to the families of retired public health workers and one of them is the retired employee who worked earlier as public health worker.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondent.

Learned counsel for the petitioner-society submits that the petitioner-society is entitled to participate in the tenders and that the action of the 4th respondent-Municipal Commissioner in not issuing the tender schedule is contrary to the Judgment dated 27-10-2003, passed in O.S.No.459 of 2001 on the file of the learned Principal Junior Civil Judge, ongole.

The learned Standing Counsel appearing for the respondents submitted that since the petitioner-society is not coming within the parameters of G.O.Ms.No.581 dated 6-11-1996, it is not entitled for tender schedule.

The question for consideration is as to whether the petitioner-society is entitled for tender schedule.

As per condition No.1 of G.O.Ms.No.581 dated 6-11-1996, the society members should belongs to the retired public health workers, their children, the other Scheduled Caste and Scheduled Tribe community people having experience in the sanitary work and Badili workers. Even in the affidavit filed in support of the writ petition it is not asserted that all the members of the petitioner-society are coming within the guidelines prescribed in the said G.O.Ms.No.581. Such is the case, the action of the 4th respondent in not issuing the tender schedule to the petitioner-society cannot be found fault with.

Accordingly, the writ petition is dismissed. No costs.

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25-07-2005

Mjl/*